

# BOARD OF CODE STANDARDS AND APPEALS MINUTES

**May 4, 2009**

**Members:** Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, John Youle

**Present:** Banuelos, Harder, Hartwell, Hentzen, Murabito, Willenberg, Youle

**Staff Members Present:** Deb Legge, Penny Bohannon, Elaine Hammons (Central Inspection); Jeff VanZandt (Law Department)

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, May 4, 2009, at 1:30 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

## **1. Approval of the April 6, 2009, minutes.**

Board Member Willenberg made a motion to approve the April 6, 2009, minutes as submitted. Board Member Harder seconded the motion. The motion passed.

## **2. Approval of the May 2009 license examination applications.**

<u>Name</u>	<u>Class</u>	<u>Date</u>
Charles R. Williams	Roofing & Siding	May 2009
Byron Bland	Wrecking	May 2009
Albert H. Murray III	Class D	May 2009

Board Member Hentzen made a motion to approve the license examination applications for May. Board Member Hartwell seconded the motion. Board Member Hentzen asked what scope of work the Class D license classification would be allowed to do. Ms. Legge explained that it was primarily a license to allow rental property owners to do their own repairs on one- and two-family dwellings. The motion carried.

Chairman Murabito requested that the Board and City staff introduce themselves to the citizens in attendance.

## **3. Request by Ossie Prim for a name change for his current company, P & S Enterprises II, Inc., Class B Contractor, and a second license for roofing and siding.**

Board Member Hartwell made a motion to approve the name change and request for a second license for Ossie Prim. Board Member Youle seconded the motion. The motion was approved.

## **4. Review of the Class C Contractor's License of Mike Utterback d/b/a Cobblestone Builders, Inc.**

Mr. VanZandt told the Board that the review of Mr. Utterback's Class C Contractor's license would be deferred until the June 2009 hearing.

## **5. Condemnation Hearings**

**Review Cases:**

**1. 405 W. University**

The owner, Eder Guardado, was present on behalf of this property.

A one-story frame dwelling about 22 x 50 feet in size, it has been vacant for over a year. This structure has a cracking concrete block foundation; cracked wood siding; badly worn composition roof; rotted soffits and fascia; and the 10 x 16 foot accessory garage is deteriorated.

Ms. Legge distributed photos of the property provided by Mr. Guardado. The photos were more recent than those displayed at the hearing.

This property was first before the Board at the February 2, 2009, hearing. At that hearing, the Board approved a motion to allow ninety days for the exterior of the property to be brought into compliance, maintaining the site in a clean and secure condition in the interim. The taxes are current. There is a 2008 Special Assessment against the property for board-up in the amount of \$149.32. The premise is being maintained, and work is in progress to clear and level the ground. Ms. Legge noted that extensive work had been done to the structure.

Mr. Guardado told the Board that he had only had official ownership of the property since April 6, 2009. He said that the recent inclement weather had delayed the completion of the repairs. The window trim was finished that day, Mr. Guardado said, and he anticipated the remainder of the items would be complete within thirty days.

Board Member Harder made a motion to return the property to regular code enforcement. Board Member Willenberg seconded the motion. The motion carried.

**2. 543 N. Grove**

Robert Talbert, owner of the property, was present.

Vacant for at least ten months, this one-story frame dwelling is about 24 x 52 feet in size. This structure has shifting and cracking concrete block basement walls, with missing blocks; rotted wood siding; badly worn composition roof, with missing shingles; deteriorated front porch; rotted wood trim and framing members; and the accessory garage is deteriorated.

This property was first before the Board at the February 2009 hearing. At that time, a motion was made and approved to allow ninety days for the exterior repairs to be completed, while maintaining the site in a clean and secure condition. Progress has been made on the siding, roofing, garage, and soffit and fascia repairs. The site is secure. As of April 2009, a partial payment was made on the delinquent 2007 taxes, leaving a balance of \$194.39. The 2008 taxes are due in the amount of \$602.57. There are no special assessments against the property. There are some tires, tree debris, and some construction debris on the premises.

Mr. Talbert told the Board that he had removed the tree debris and it had been loaded onto a trailer for removal. He said he would need approximately sixty days to complete the exterior repairs.

Board Member Harder made a motion to allow sixty days for the exterior repairs to be completed, maintaining the site in a clean and secure condition in the interim. Board Member Youle seconded the motion. The motion carried without opposition.

**3. 1132 N. Cleveland**

Juan Perez, owner, was present.

A two-story frame dwelling about 26 x 46 feet in size, this building has been vacant for at least two years. This structure has cracking concrete block basement walls; missing asphalt siding; badly worn composition roof; deteriorated front porch; rotted wood trim; and the 16 x 12 foot accessory structure is deteriorated. At the March 2009 hearing, the Board approved a motion to allow sixty days for the completion of the exterior repairs, maintaining the premise in a clean and secure condition during that time. The necessary permits have been obtained;

the roof has been repaired; and progress is being made on the other required repairs. The site is being maintained in a clean and secure condition. The owner has been working with the inspection staff to arrange for the needed inspections. There is a 2009 Special Assessment for lot clean up in the amount of \$1,456.50, including interest. The taxes are current. There is an inoperable vehicle on the premise, and also miscellaneous debris.

Mr. Perez said that all debris and the inoperable car have been removed from the site.

Board Member Harder made a motion to allow thirty days for the completion of the remaining repairs and payment of the Special Assessment, or Mr. Perez will be required to reappear before the Board to provide an update. If the repairs are complete and the Special Assessment has been paid by the end of the thirty days, the property will return to regular code enforcement. Board Member Youle seconded the motion. The motion was unanimously approved.

#### **4. 1348 N. Green**

Mr. Edmond Brown and Mr. Willis Moore were present to represent this property.

Vacant and open, this structure is one-story frame dwelling about 22 x 28 feet in size. It has shifting and cracking basement walls; rotted and missing wood lap siding; sagging and badly worn composition roof with holes; rotted wood trim; and the 12 x 20 foot accessory structure is deteriorated.

This property was initially brought before the Board at the March 2009 hearing. At that hearing, the Board approved a motion to allow sixty days for the property to be sold or brought into minimum code compliance. In the event that the property was not sold and not brought into compliance, the property would automatically be referred to the City Council for condemnation. The taxes are current and there are no special assessments against the property. There are tall grass and weeds and scattered debris on the site. No repairs had been made by the last site inspection, and the attached garage had an open window.

Mr. Brown informed the Board that he had sold the property to Mr. Willis Moore. Mr. Moore addressed the Board and estimated that he would have the code violations corrected within ninety days. Once the property is renovated, Mr. Moore said he intended to rent out the property.

Board Member Harder made a motion to allow sixty days for the exterior of the property to be brought into minimum code compliance, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed.

#### **6. 936 N. Holyoke**

Mr. Edmond Brown and Mr. Willis Moore were present to represent this property.

Approximately 24 x 34 feet in size, this one-story frame dwelling has been vacant for at least one year. This structure has cracking, shifting, caving concrete block basement walls, with missing blocks; badly worn composition roof, with missing shingles; deteriorating front porch; rotted roof decking, wood trim and rafter tails; and the 14 x 16 foot accessory garage is dilapidated, with holes in roof at risk of collapsing.

The taxes are current and there are no Special Assessments against the property. There are tall grass and weeds, bulky waste, tree waste, and scattered debris on the premise. The structure is not secure.

Mr. Brown informed the Board that he had sold the property to Mr. Willis Moore along with the property at 1348 N. Green. Mr. Moore anticipated that he would have the repairs made within ninety days.

Board Member Harder made a motion to allow sixty days for the exterior of the property to be brought into minimum code compliance, maintaining the site in a clean and secure condition in the interim. Board Member Banuelos seconded the motion. The motion passed.

**New Cases:**

**1. 935 N. Ohio**

Representing the property, Mr. Lacy Horner, owner, was present.

About 23 x 46 feet in size, this one-and one-half story frame dwelling has been vacant for at least one year. This structure has rotted and missing wood lap siding; badly worn composition roof with missing shingles; rotted and missing wood trim and framing members; deteriorated front and side porches; and the 16 x 20 foot two-story, concrete block and frame accessory structure is dilapidated.

With an active file on this property since February 12, 2008, two Notices of Improvement and several Notices of Violation were issued. There is an open Vacant Neglected Building Case and a Neighborhood Nuisance Case on this property. A Pre-condemnation Letter was issued on December 8, 2008. On February 20, 2009, a partial payment was made toward the delinquent 2007 taxes. The remainder of the 2007 taxes are delinquent in the amount of \$263.66, and the 2008 taxes are due in the amount of \$343.27. There is a 2009 Special Assessment for weed mowing in the amount of \$124.45. There is scattered debris and an inoperable truck with a flat tire on the property. No repairs have been made. The structure is secure.

Mr. Horner told the Board that he inherited the property from his mother. Due to financial issues and an injury, he has been unable to complete any work on the structure. He anticipated having the monies available to complete the repairs and clean-up on the property within ninety days. Mr. Horner said that the truck mentioned by Ms. Legge had current tags and insurance and was operable. He explained that he had parked the truck at the property to make it appear that someone was at the site as a deterrent to vandalism and to block access from individuals dumping trash on his property. A contractor was hired to reroof the structure; however, the contractor took the money and did not return to complete the job. The debris, Mr. Horner said, has been removed from the property.

Board Member Youle made a motion to allow ninety days for the exterior repairs to be made and the delinquent taxes to be paid, maintaining the site in a clean and secure condition. Board Member Hartwell seconded the motion. The Board approved the motion.

**2. 1412 E. 11<sup>th</sup> N. (aka: 1202 N. Cleveland)**

No one attended the hearing on behalf of this property.

Vacant for at least ten years, this one-story frame dwelling is about 24 x 30 feet in size. This structure has a shifting and cracking concrete block foundation; rotted and missing wood lap siding; deteriorating front and rear porches; rotted wood trim and framing members; and the 16 x 25 foot concrete block accessory structure is dilapidated.

The case file was started on this property on September 25, 1995.

Board Member Harder made a motion to refer the property to City Council with a recommendation of condemnation, with ten days to begin razing the building and ten days to finish the demolition. Board Member Willenberg seconded the motion. The motion was unanimously approved.

**3. 1025 N. Estelle**

No representative was present at the hearing.

This is a one-story frame dwelling about 20 x 26 feet in size. Vacant for at least six years, this structure has a shifting and cracking concrete block foundation with missing blocks; rotted wood siding and missing asbestos siding; sagging and badly worn composition roof, with holes and missing shingles; rotted windows; and the sill plates are exposed.

Board Member Harder made a motion to send the property before the City Council, recommending condemnation, with ten days to initiate demolition and ten days to remove the structure. Board Member Youle seconded the motion. The motion carried.

**4. 1410 N. Lorraine**

There was no party in attendance to represent this property.

Approximately 43 x 26 feet in size, this one-story masonry dwelling has been vacant for at least one year. This structure has sustained interior fire and smoke damage. It has a shifting and cracking cellar access; cracking brick walls; deteriorating front porch; and the 25 x 12 foot concrete block accessory structure is dilapidated.

Board Member Harder made a motion to send the property before the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to complete the removal. Board Member Willenberg seconded the motion. The motion passed without opposition.

**5. 1411 N. Lorraine**

No one was present to represent this property.

Vacant and open, this one- and one-half story frame dwelling is about 22 x 52 feet in size. The structure has shifting and cracking concrete block basement walls; broken and missing asbestos siding; sagging and badly worn composition roof; collapsing front porch; and rotted window trim and garage doors.

Board Member Willenberg made a motion to refer the property to the City Council with a recommendation of condemnation, with ten days to begin wrecking the structure and ten days to finish the demolition. Board Member Harder seconded the motion. The motion carried.

**6. 2402 W. 29<sup>th</sup> N. #10**

There was no representative present at the hearing.

A mobile home about 10 x 60 feet in size, it has been vacant for at least six months. This structure is not adequately tied down. It has loose metal siding; missing skirting; exposed sub flooring; worn metal roof; and the end walls are sagging due to removed blocking.

Board Member Harder made a motion to submit the property to the City Council with a recommendation of condemnation, with ten days to start removal of the structure and ten days to finish. Board Member Willenberg seconded the motion. The motion was approved.

**7. 1040 S. Vassar**

Eleanor McVeigh and Justin Trammel attended the hearing on behalf of this property.

This one-story frame dwelling is about 53 x 25 feet in size. Vacant for at least six years, this structure has a cracking concrete foundation; cracked and missing asbestos siding; badly worn composition roof; deteriorating enclosed front porch; and the 4 x 8 foot metal storage shed is dilapidated.

The active file was initiated on this property on May 2, 2002. Since that time, there have been numerous Notices of Improvement and Notices of Violation issued on this property. In January of 2008, an emergency board-up was performed by OCI staff at the cost of \$399.09. A Pre-condemnation letter was issued on September 9, 2008. The 2007 taxes are delinquent in the amount of \$1,423.44, including specials and interest. The 2008 taxes are due in the amount of \$762.95, which includes specials and interest. There is a 2008 Special Assessment for emergency board-up in the amount \$414.04, and a 2009 Special Assessment for weed mowing in the amount of \$124.45. There are currently tall grass and weeds on the premise. Formal condemnation action was initiated in March 2009. No repairs have been made; however, the structure is secure.

Mr. VanZandt explained that the property was originally owned by Devendra and Dipika Kadakia and then was sold; in the interim, the property ended up in the estate of Kevin McVeigh. The property was then transferred by Quit Claim deed to the Kadakias, but the Kadakias have not filed the Quit Claim deed; therefore, the owner of record is still listed as Kevin McVeigh's estate. Mr. Trammel has indicated that he is trying to make contact with the Kadakias in order to request that the property be deeded back to him in order to make the necessary repairs.

Mr. Trammel told the Board that he was trying to get in touch with the Kadakias to arrange for ownership of the property so he can either repair it or wreck the structure. Ms. McVeigh told the Board that she was willing to sign a Quit Claim deed to allow Mr. Trammel to take possession of the property.

Mr. VanZandt clarified that the original agreement was for purchase by contract, which was terminated; thus, the property was returned to the Kadakias.

Board Member Harder made a motion to allow sixty days for Mr. Trammel to obtain control of the property or it will automatically be referred to the City Council with a recommendation of condemnation, with ten days to begin demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion carried.

At Chairman Murabito's request, Ms. Legge explained the process of the potential referral to the City Council and the "10 and 10" procedure.

#### **8. 4316 E. Bayley**

There was no one present as a representative of this property.

Vacant for at least six years, this is a one-story frame dwelling about 57 x 24 feet in size. The structure has deteriorated and missing hardboard and asbestos siding; sagging and badly worn composition roof with holes and missing shingles; deteriorated front and rear porches; and rotted wood trim.

Board Member Willenberg made a motion to refer this property to the City Council, recommending condemnation, with ten days to commence razing the structure and ten days to complete removal of the structure. Board Member Harder seconded the motion. The motion was approved by the Board.

#### **9. 1437 S. Wichita "rear" (aka: 1441 S. Wichita #2)**

Jack Trimmell, owner of the property, was in attendance.

A two-story frame dwelling approximately 43 x 26 feet in size, this structure has been vacant for at least seven months. The structure has sustained fire damage. It has a cracking concrete foundation; fire damaged asbestos siding, with missing shingles; badly worn composition roof with missing shingles; missing stairway; exposed, fire damaged framing members; and rotted and damaged wood trim.

The active file was initiated on this property on August 24, 1993. Several Notices of Improvement and Notices of Violation have been issued. An emergency board-up was done by OCI staff in March of 2008 at a cost of \$211.04. The Wichita Fire Department requested OCI on a garage fire at this location in April of 2008, and an emergency demolition of the garage was initiated by Central Inspection at a cost of \$5,139.91. A portion of the demolition costs were recovered through fire insurance proceeds. There is currently an open Neighborhood Nuisance Case on this property. In September of 2008, a Pre-condemnation Letter was issued. The 2006 and 2007 taxes are delinquent in the amount of \$1,502.64, including interest. The 2008 taxes are due in the amount \$5,242.00, including specials and interest. There is a 2008 Special Assessment against the property for demolition and board-up in the amount of \$4,467.82. No repairs have been made to the structure, but the property is being maintained secure.

Speaking to the Board, Mr. Trimmell said that the former tenants left debris in the rear yard. Due to the recent rains, he has been unable to complete the clean-up of the premise.

Board Member Harder made a motion that the property be submitted to the City Council with a recommendation of condemnation, with ten days to start wrecking the structure and ten days to complete the removal of the structure. Board Member Willenberg seconded the motion. The motion was approved.

Ms. Legge explained the "10 and 10" process.

With no other business to conduct, Board Member Willenberg made a motion to adjourn the meeting. Board Member Hartwell seconded the motion. The motion carried.

The meeting adjourned at 2:13 p.m.